University of Baltimore Law Forum

Volume 10
Number 2 *Spring 1980*

Article 7

4-1-1980

The Death of Parent-Child Immunity or You've Come A Long Way, Baby

Rhonda Ilene Framm

Lauren Parker

Follow this and additional works at: http://scholarworks.law.ubalt.edu/lf

 Part of the Law Commons

Recommended Citation

Framm, Rhonda Ilene and Parker, Lauren (1980) "The Death of Parent-Child Immunity or You've Come A Long Way, Baby," *University of Baltimore Law Forum*: Vol. 10: No. 2, Article 7.
Available at: http://scholarworks.law.ubalt.edu/lf/vol10/iss2/7

This Article is brought to you for free and open access by ScholarWorks@University of Baltimore School of Law. It has been accepted for inclusion in University of Baltimore Law Forum by an authorized administrator of ScholarWorks@University of Baltimore School of Law. For more information, please contact snolan@ubalt.edu.

The Death of Parent-Child Immunity or You've Come A Long Way, Baby

by Rhonda Framm and Lauren Parker

In the startling and hotly deliberated decision of *More v. More,*[1] the Supreme Court has stomped to mere embers the flame of parental immunity which has for 80 years hungrily consumed the legal rights of the minor child. The reverberations of *More*[2] are likely to shake the nuclear family to its very core, emitting contagiously active litigation and cries of alarm from families who want the trials, but "not in our backyard."[3]

The Supreme Court seared through the confusing deadwood felled by the vacillations of the lower courts when it stated, "A child is a human being with inherent inalienable rights. A child has the right to sue in his own name; to sue even those with the same name he has; all the rights of a big person. Yep."[4] Not specifically identified but foreseeably couched within these rights is the child's freedom to ignore the capricious division between allowable childhood diseases and those the contraction of which are void or voidable during minority.[5]

Following the Burger team's forceful spike into the court of the parents' rights groups,[6] the Bench adroitly set up their strong future policy to call foul on those challengers who choose to volley with a child's rights. "The court will no longer lower the judicial net to disguise the gross over-reaching of adults who exact immunity in exchange for their unsolicited and frequently unintended[7] contribution to a child's birth." Thus, from immunity's grave springs the neonates' power to revel in previously exclusive adult phrases. Adults must suffer to see invaded, used and abused by Johnnys-come-lately, the forceful "See you in court" and the coy reply, "Your firm or mine?"

The first judicial yank has repealed the blanket parental immunity, exposing before all children unseemly tangled bodies of law in compromisingly tortious liabilities, all promising furtively to respect each other in the morning. With latin d'un couchon[8] and weak alliteration, Burger and The Supremes have belted out dicta[9] that defines the timing of terming a child a human:

> The Constitution which forbids the presumption of less rights will not fail in the case of a little More. The legal identity of the child is born with his physical emergence. Absent the informed consent of the minor prepartem, the legal right to sue in court for tort shall vest with and not precede the umbilical knotting. The lynchpin[10] of child rights, the belly button, shall symbolize our guarantee to each bearer of the right to court for tort.

The immediate reactions have been incontinent, dallying beyond and behind the legal community.[11] Uncharacteristically realizing the baton of action has been passed, HEW announced that its health centers' delivery rooms will promote "legal health". Magistrates of infant law will man the hospitals and alert authorities to deport those parents mumbling incantations, offering endearments, caressess or Valium or promising trips to Club Med since they are sure signs of the traditional but now prohibited parental-undue-influence syndrome (PUI). Legal centers, run on a contingency fee basis during homeroom, recess and lunch will be instituted at each public school with separate funding available for parochial schools.

In a terse yet unrequested *amicus curiae,* the State of Maryland joined Pennsylvania and Massachusetts in protesting the repeal of the immunity, fearing the repercussions of award-induced parental poverty. State Tax Commissioner, J. R. Jimbo, summed up Maryland's position

[1] 555 U.S. 123; *see* case-inspired melody, "More v. More, how do you like it, how do you like it?"
[2] *See Marantz v. Luskin,* 188 Route 2 (1959^c).
[3] This cause is desperately missing the forceful leadership of J. Fonda.
[4] *See:* Little Criminals, by Randy Newman.
[5] This same barrier had prevented the adult from contracting the ice cream laden tonsillectomy.
[6] Members are easily identified with the fuschia "Have you hugged your dad today???" bumper sticker holding the rear end of their VW to the front end.
[7] Popularized in the 1960 phrase, "I didn't ask to be born!" The pat response when caught shoplifting. *See* N.Y. Times (1967) Repercussions of the Blackout.
[8] Pig Latin, mes amis.
[9] *But see: Holland & Hozier v. Motown* for a later rendition.
[10] Found by the janitor after an evening Tax class, previously used for storing salt for midnight celery fests.
[11] Not an easy feat considering the great corporal eminence of many established lawyers.

by paraphrasing an Eastern Shore colloquialism: "When the little crumbsnatchers get all the folks' bread, the state's gonna be robbed of a lot of tax crusts."

II. FACTS OF THE *MORE* CASE

The facts have been thoughtfully pre-arranged by both parties for ease of recitation by an non-comatose law student. Shorter than *Lusby*[12] subtler than *Lason*[13] the facts are easily memorized by any "1-L".[14] Like the Maryland anthem, *More's* facts sound best bellowed through vocal cords well-tempered by alcohol.

On February 23, 1980, Juan More, a minor of seven years, was forced to reside, eat, drink, sleep and breathe with the defendants, merely because the defendants claimed, "There was room for Juan More."[15] Plaintiff alleges that he suffered emotional distress, cruel and inhumane punishment, false imprisonment and varied sordid abrogations of his constitutional rights at the hands of defendants, C. Mour More and N. Eva More.[16] Material to the state's morals charge, but fabric to the less stuffy imminent criminal suit, plaintiff alleges that the defendants' efforts were tireless in contributing to his corruption, deviancy and delinquency as a minor.[17]

The Supreme Court has drop-kicked "cruel and inhumane" punishment beyond the standard allowed within the discretionary use of parental authority. How cruel and inhumane the punishment is judged by the subjective sensitivity of the victim. That the plaintiff Juan was not of subnormal IQ, nor peculiarly handicapped, and that the parent-defendants had for seven years kept plaintiff within the disparate part of our confederation bounded by Newark and Hoboken,[18] would establish *per se* cruel and inhumane punishment of the child. This abuse, however, this callous numbing of a homosapien's desire to live, is merely the backdrop.[19]

At 8 p.m., while plaintiff was pursuing happiness before Charlie's three angels, his pursuit was abruptly switched off by defendant C. Mour utilizing a tyrannical and arbitrary ritual, euphemistically termed "bedtime." The following tortuous sequence was not, unfortunately one bizarre incident in isolation. This cruel concerto repeated itself[20] with the regularity of nightfall.

WARNING: THE FOLLOWING IS NOT FOR THE WEAK AT HEART. THE SENSITIVE READER MAY STEP OUTSIDE AND RETURN IN FOUR PARAGRAPHS.

Defendant C. Mour, after conspiring with N. Eva, surrounded and overpowered Juan, and over Juan's repeated objections, proceeded to unpleasantly touch Juan's shoulders, hips and feet, depriving Juan, without due process, of all his clothes. Tossing these clothes beyond the lunge-reach-grasp of Juan, the defendants then unreasonably searched his pockets for frogs and chewed gum. They then lifted and submerged Juan's now clotheless, shivering body into a pink porcelain fixture brimming with unpleasantly damp water. The defendants restrained him alternately with force and threat of force, each coercion sufficient for the court to find false imprisonment and invasion of plaintiff's privacy, over the parents' demurrer.[21] While in this helpless and pruning condition, the defendants inserted a mixture of animal fat and lye into and behind his aural orifices[22] and then abrased his body with coarse and tacky toweling with raised stubble spelling "Holiday Inn of Hoboken." Not satisfied with the now whimpering mass which was the plaintiff, defendants forced him onto a raised, hard platform swarming with inane nursery characters in hot pursuit of each other, foreshadowing the mental duress to come.[23]

The defendants secured the young Juan's legs and arms and neck up to the chin with tight linen. Still in this position of enforced passivity, Juan witnessed the defendant grasp a limp ragworn book within his hands, which book served only, since his youth, to bring deviancy and inanity to the outside world and proceeded to diddle with the mind of the plaintiff in a way which provided both defendants with a mildly pleasurable sensation.[24] C. Mour and N. Eva then subjected the plaintiff to a series of mesmerizing mumbles used by parents traditionally to lull youths into deep sleep[25] and a false sense of security.

The Court here sought expert advice on the readings' effect on Juan. Dr. Spock's testimony was admitted into evidence under the 713th exception to the Hearsay Rule:

[12] To see the kind of analysis we could have subjected you busy readers to, see *Lusby v. Lusby* 283 Md. 334, 390 A.2d 77 (with headnotes) or 8 U. BALT. L. REV. 3 (1978).

[13] For your general amusement, read while alone; *Lason v. State,* 12 So.2d 305 (Fla. 1943).

[14] Take your parents to see Paper Chase. You'll get that stereo for Christmas.

[15] Relegated to a footnote, yet showing the authors have some mercy, Plaintiff balks at the parental pressure that he ate, drank and slept with the defendants, stating "Ate is enough."

[16] Due to the long-endured discrepancy in the height distribution between plaintiff and the defendants, much of these wrongs were suffered, at the elbows of, or across the knees of the defendants. Note also that some of the injuries arose near the feet of our defendant. Hereinafter these latter injuries shall be perfunctorily summoned to the reader's recollection by "notefoot" or footnotes.

[17] *See* minor, *8 Ivories Beyond;* See Minor 7 (1979).

[18] *See:* Smog, Asphalt and Industrial Waste.

[19] *See:* The Great Carl Wollenda, popularizer of the backdrop.

[20] *See: 10 Bolero* (1979) for cruelty inflicted upon the audience and Dudley.

[21] Judicial notice was taken that Mrs. More's was more demure, therefore demurer than the Mr.'s.

[22] *See Lason, supra,* for legal orifices.

[23] *See* (real case) *Mahnke v. Moore,* for a bloody good discussion of mental duress. 197 Md. 61, 77 A.2d 923 (1951).

[24] Did you read *Lason* yet?

[25] *See:* The U.B. Symposium on Hypnotism and the Law, Forum, vol. 10, 2 (1979).

Testimony allowed due to the added reliability of a man testifying in a clean suit.[26] "The defendants' child abuse is nestled insiduously in the nook of the bedtime ritual, effectively replanting the seeds of future child abuse. In my book, kids are always first; it's time the world conformed."

The Court is willing to press charges *sua sponte* against the defendants for contributing to the delinquency of a minor when the subject matter of these "readings" rose to the fore. The court took judicial notice that M. Goose, long banned in the liberal borough of Boston, has been cited as an exacerbation factor in the rapes and murders by ex-children. Repetitive sonorous lyrics to instill vileness into the child's conscious to brainwash him is regularly used until the deviant behavior manifests itself.

The Burger Court was budged from their normal *laissez-faire* approach to parent handling by three readings that were outstandingly blunt in their message:

Robin and Richard were two pretty men
They lay in bed 'til the clock struck ten[27]
Then up starts Robin and looks at the sky
Oh brother Richard, the sun is very high.

The Court finds this poem writhing in overt homosexuality,[28] replete with incest and popularizing slovenly loitering, an affront to the "get up and go" which made the country and the court scribe great.

A less blatant and therefore more insidious rhyme tangles the subconscious with seemingly palatable intentions. The veiled popularization of cocaine addiction[29], illegal herb botany and prostitution sparked this court to action.

Mary, Mary, quite contrary,
How does your garden grow?
With silverbells
And cockleshells
And pretty maids
All in a row.

The third poem, rounds out the bed[30] —time brainwashing with mental anguish, assault and the threat of starvation:

There was an old woman
Who lived in a shoe
She had so many children
She didn't know what to do.
She fed them some broth
Without any bread
And whipped them all soundly
And sent them to bed.

The Court found this undisguised threat to the child's security sharply antagonistic to society's cherished fantasy of the elusive "happy childhood."[31] "The continued reading of M. Goose pornography points to the social acceptance of child abuse. Sending a child to bed on a starvation diet, physically abusing him until sound exudes and precluding any referral to foster homes, does not

[26] Credit is due to the fast footwork of personal law clerk, I.B. Brite, having only the judge's "I want it in, now back it up" to go on.
[27] *See:* Mount Vernon, "Boys in Panties and Levis"—any light box, see "Cruising"; *See:* Eager Street Saloon, a/k/a Pink Hippo. See Bruce.
[28] Id.
[29] Perhaps previously unveiled by the court in 54 *Hamilton Jordan* 25 (1970); E.g., Maggie Trudeau.
[30] The first unfortunate victim was H. Heffner, who has made the most of this injury.
[31] Norman Rockwell, Billy Carter: famous popularizers of this ethereal belief.

mesh with our societal needs . . . [I]t is a shame to quote poems where children are whipped to death." Like S.T.D.'s[32] child abuse really springs from child abuse.

Defendant parents, after repeating these three soporific poems inducing a near catatonic state, with a flick of a switch created high levels of anxiety within the plaintiff by extinguishing the sole means of sight within his cubicle. Defendants had special knowledge of this signal to the Boogie Man, who took darkness as his invitation to molest.

After defendant parents had receded, the plaintiff attempted an escape by feverishly untethering the outside corner of the sheet, and strove toward the kitchen for a life-sustaining cookie. The jar was not quite within the foreseeable reach of the plaintiff resulting in it being reduced to mere shards which the defendant's foot discovered upon entering same said kitchen. In cold-blooded heat of passion, defendant father applied quick warmth to plaintiff's posterior, offensively and repeatedly touching plaintiff with his palm. Plaintiff, beaten, bruised, and admittedly abused, succumbed to the tyranny of the larger defendants and allowed himself to be re-imprisoned.

III. WELL, WHAT NOW?

In overriding the parents' demurrer, the court extended its judicial grasp past the family nexus, to rest around the parent-defendants' necks. Phrases like "Where law stops, tyranny begins" and "Discipline is just a ten letter word" have been gleaned from the dicta.[33]

Parents may no longer inflict longwinded, parable-strewn and hopelessly middle class points of view upon their fledgling.[34] Certainly the $3.5 million award will cause not a few guardians to discipline inanimate objects (pillows, E.S.T. trainers, court researchers) before they give a cause of action to the family-provided plaintiff.[35]

IV. *MORE* TRENDS

Local Juvenile Law Clinics are now offering counsel to those children abused during birth. The group's poster bears a large-pupiled woman holding her stomach, stating, "I love my fetus, but some time I'd like to give birth." Fetuses are given a number to call at any proposed labor.[36] Leading the movement, Ms. Law testified, "Bearing someone without their permission is a prime and dangerously early manifestation of the child abusing mentality. The child has a reasonable expectation of continued privacy and warmth of the womb based on prior dealings and usage of homosapien gestations. To be forced naked into the cold, slapped, tied and tossed into a nursery is cruelty certainly within the forbidden territory defined by the *More* decision." Much trouble has arisen, however, in providing an anonymous call-in system for the fetus. Commentators have concurred that there will be more and more *More* claims as Juan More's plight becomes the plight of several more.

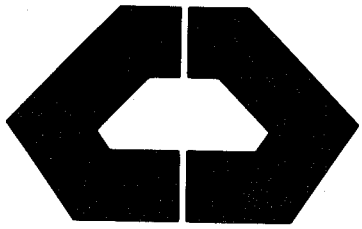
[32] Sexually Transmitted Divorces.

[33] With sincere distaste for being accused of plagiarism by B. Dylan or the wall of the library near the water fountain.

[34] Bohemians and wastrels are organizing with demimondes for equal time and are rentable by the legally astute parent. Renting fees range with the service, lip being the cheapest.

[35] Toasters, TVs and Coney Island Hot Dog Steamers are ill-advised replacements, since recent litigation from Florida has revealed the ability of small kitchen appliances to communicate, possibly hire a lawyer, which may lead to repeal of the remaining parent household appliance immunity. Is no vestige safe?

[36] This number is not available for the fears of healthy indigents or welfare recipients.



MERCANTILE BANK&TRUST

Affiliate Mercantile Bankshares/Member FDIC

MASTER TRUSTEE

Trust Formation/ERISA Compliance

Full Accounting

Automatic Cash Management

Performance Measurement

Trust Universe Comparison Service

Quantitative Manager Monitoring/Risk Analysis

Call Louis French 237-5551